IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2432 OF 2005

IN

WRIT PETITION NO. 4468 OF 1998

Shri Ashok Dattatray Adsule ...Applicant

Versus

Shri Rajendra Kondiba Ovhal,

and Ors. ....Respondents

Ms.Anita Agarwal for the applicant.

Mr.Kishor Patil for the respondents.

CORAM: S.C.DHARMADHIKARI, J.

30th November, 2007

P.C. :

1. This Civil application prays for the following reliefs :-

(A) that this Hon'ble Court may be pleased to give the fixed date of hearing to the Writ

Petition No. 4468 of 1998, as well as for Writ Petition No.6709 of 1998 and be pleased to dispose off the same on the fixed date of hearing.

(B) that this Hon'ble court be pleased to direct the Respondent to deposit in this Hon'ble Court the amount of Rs.1,38,679/- so demanded by the Co-operative society by the letter dated 15th April 2005, and be pleased to direct that the said payment may be made to the Respondent Mulund Sahakari Vishwa Co-operative Society Ltd.

(C) ad-interim relief in terms of prayer clause (B) be awarded in favour of applicant from Respondent, by this Hon'ble Court.

2. My attention is invited by Mrs.Agarwal to an order passed by this court directing the respondent no.1/original petitioner to pay a sum of Rs.1,38,679/-. The order is dated 28.4.2006.

3. While Mr.Patil states that this sum is already deposited with the society, Mrs. Agarwal states that she has no such instructions.

4. In such circumstances, it is directed that if the amount of Rs.1,38,679/- as demanded by the society vide its letter dated 15.4.2005,if not already paid, is paid within a period of 15 days,then,the society to accept the same.

5. Further, Mr.Patil states that the original petitioner will go on paying the monthly sums as demanded by the society which payment and receipt will be without prejudice to the rights and contentions of the parties to the main petition. Civil Application disposed off. Liberty to apply.

sd/-

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